

Message Text

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TAGS: SNAR, UN, ECOSOC

SUBJECT: NARCOTICS AT ECOSOC ORGANIZATIONAL MEETING

REF: ECOSOC DOCUMENT E/L 1684; STATE 234132

1. ACCORDING TO REFERENCED ECOSOC DOCUMENT, JANUARY ECOSOC ORGANIZATIONAL MEETING WILL CONSIDER REFERRING TO COMMITTEE FOR PROGRAM AND COORDINATION (CPC) THE QUESTION OF MERGING UN DIVISION OF NARCOTIC DRUGS (DND) AND SECRETARIAT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD (INCB). SUGGESTION THAT CPC "MAY BE INVITED" WAS MADE BY ACABQ DURING ABSENCE OF US MEMBER AND WAS ENDORSED BY 30TH UNGA
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DECISION (VIA FIFTH COMMITTEE). OUR INTERPRETATION IS THAT

ECOSOC IS STILL FREE TO MAKE FINAL DECISION ON THIS MATTER.

2. DEPARTMENT BELIEVES THAT REFERRAL TO CPC SHOULD BE AVOIDED IF POSSIBLE.

A. MERGER OF THESE TWO BODIES IS NOT SIMPLY ADMINISTRATIVE MATTER, BUT RATHER SUBSTANTIVE LEGAL AND POLITICAL QUESTION. DND IS PART OF UN SECRETARIAT; INCB WAS ESTABLISHED BY SINGLE CONVENTION ON NARCOTIC DRUGS TO MONITOR IMPLEMENTATION OF DRUG TREATY PROVISIONS. INCB'S RESPONSIBILITIES ARE TREATY-MANDATED, AND DEMAND THAT THE BOARD BE AN INDEPENDENT JUDGE. TO BE INDEPENDENT, INCB NEEDS A SECRETARIAT RESPONSIBLE ONLY TO IT. IF DND AND INCB SECRETARIAT WERE COMBINED, THAT PORTION OF THE UNITED SECRETARIAT SERVICING THE BOARD WOULD BE AT LEAST PARTIALLY RESPONSIBLE TO THE COMMISSION ON NARCOTIC DRUGS (CND), OF WHICH DND IS THE SECRETARIAT. THIS WOULD COMPROMISE INDEPENDENCE OF THE INCB.

B. MERGER WOULD FORCE THE TWO CLASSES OF FUNCTIONS TO COMPETE FOR SCARCE BUDGETARY RESOURCES WITHIN FRAMEWORK OF A SINGLE SECRETARIAT. INCB'S FUNCTIONS (AND THEREFORE RESPONSIBILITIES OF ITS SECRETARIAT) ARE DEFINED BY TREATY, AND CANNOT BE INDIRECTLY PARED THROUGH BUDGETARY PROCESS WITHOUT REFERENCE TO THE PARTIES OF RELEVANT DRUG CONTROL CONVENTIONS.

3. INCB SECRETARIAT HANDLES CONFIDENTIAL TREATY-RELATED INFORMATION PROVIDED BY GOVERNMENTS, INFORMATION WHICH MAY BE WITHHELD IF IT APPEARS THAT IT WOULD SEEP INTO REGULAR UN CHANNELS, AS WOULD BE THE CASE IF DND AND INCB SECRETARIAT WERE MERGED. INCB'S QUASI-JUDICIAL FUNCTION WOULD THUS BE COMPROMISED AND DRUG TREATIES UNDERMINED. ALSO, BOARD WOULD BE ILL-EQUIPPED TO COMMENT ON SUBJECT OF ILLICIT TRAFFIC (ONE AREA OF DND ACTIVITY) IF MATERIAL FOR ITS CONSIDERATION WERE PREPARED BY THOSE INDIVIDUALS RESPONSIBLE FOR IMPLEMENTING PROGRAMS WHICH MAY COME UNDER INCB SCRUTINY. IN ADDITION, PROTOCOL AMENDING SINGLE CONVENTION AUTHORIZES INCB TO RECOMMEND TO COMPETENT UN ORGANS AND SPECIALIZED AGENCIES THAT TECHNICAL OR FINAN-

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CIAL ASSISTANCE (OR BOTH) BE PROVIDED TO A GOVERNMENT IN SUPPORT OF ITS EFFORTS TO FULFILL ITS OBLIGATIONS UNDER THE SINGLE CONVENTION.

4. ECOSOC HAS THREE TIMES ENDORSED CONCEPT OF SEPARATE SECRETARIATS: 1949, 1967 (RES 1196 XLII), AND MOST RECENTLY IN 1973 (RES 1775 LIV).

5. IF MERGER MUST BE FURTHER CONSIDERED, CND IS MORE APPROPRIATE AND COMPETENT BODY TO DO SO. IT HAS ACCESS TO ALL REPORTS FROM ALL DRUG ORGANIZATIONS, AND POSSESSES EXPERTISE NECESSARY TO EVALUATE RELATIONSHIP BETWEEN DRUG CONTROL ORGANIZATIONS AND TREATY REQUIREMENTS. WE HEAR FROM GENEVA THAT THIS POSITION WILL BE ADVANCED BY UK REPRESENTATIVE TO ECOSOC ORGANIZATIONAL MEETING. US REPRESENTATIVE SHOULD COORDINATE WITH UK REPRESENTATIVE TO STRONGLY SUPPORT THIS POSITION.

6. IF THE PREPONDERANT VIEW IS NEVERTHELESS THAT QUESTION SHOULD BE REFERRED TO CPC, US REPRESENTATIVE SHOULD PROPOSE THAT CND ALSO BE INVITED TO GIVE ITS OPINION. KISSINGER

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